

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CURTIS M. COLLINS,)	
)	
Plaintiff,)	
)	C.A. No. 05-739-SLR
v.)	
)	
WARDEN RICK KEARNEY, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' COMBINED FIRST SET OF
REQUESTS FOR ADMISSIONS DIRECTED TO PLAINTIFF**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure (the “Civil Rules”), Defendants Warden Rick Kearney, Sergeant James Chandler, and Officer Bradley Berezansky (“Defendants Kearney, Chandler, and Berezansky”)¹ hereby propound to Plaintiff Curtis M. Collins (“Collins” or “Plaintiff”), the following requests for admissions (the “Admission Requests”) to be answered or responded to in writing and, where required under the applicable rules, under oath, within thirty (30) days of the date of service hereof.

DEFINITIONS

1. “Defendants Kearney, Chandler, and Berezansky,” shall mean State Defendants Warden Rick Kearney, Sergeant James Chandler, and Officer Bradley Berezansky.

2. “Plaintiff,” “you,” or “your” shall mean plaintiff Curtis M. Collins.

¹ Defendants C/O Milligan, C/O Daisey and C/O Irvin Johnson have been named as defendants in this action. It appears from the docket, however, that these defendants have not been served. Therefore these defendants are not a party to these Admission Requests.

3. “Complaint” shall mean the complaint filed in the above-captioned action as subsequently supplemented or amended.

4. “Answer” shall mean the answer to the Complaint, as may have been subsequently amended.

5. “DOC” shall mean the Delaware Department of Correction and any of its affiliates, subsidiaries, employees, independent contractors, and any other person or entity under the control of DOC.

6. “SCI” shall mean the Sussex Correctional Institution and any of its affiliates, subsidiaries, employees, independent contractors, and any other person or entity under the control of SCI.

7. The term “August 6th Incident” shall mean all alleged interactions between Plaintiff and Defendants Kearney, Chandler, and Berezansky on August 6, 2005 at SCI beginning at the moment Plaintiff began talking in the chow hall and was told to dump his food tray.

8. “Person” refers to any individual, corporation, partnership, association or other entity.

9. “Document” or “documents” shall have the meaning set forth in Rule 34(a) of the Federal Rules of Civil Procedure, and shall include, without limitation, any writing, recording, photograph, computer data base, data bank, report, memoranda, books summarizing, ledgers or other item containing information of any kind or nature, whether in draft or final form, however produced or reproduced, whatever its origin or location, and regardless of the form in which such information exists or is maintained.

10. “Communication” shall mean any transmission of information, the information transmitted, and any process by which information is transmitted, including both oral and written communications.

11. The phrases “refer,” “relate to,” “referring to” or “relating to” shall mean directly or indirectly reflecting, referring, relating, containing, pertaining, indicating, showing, concerning, constituting, evidencing, describing, discussing or mentioning.

12. The terms “and” or “or” shall mean and include both the conjunctive and the disjunctive.

13. “Identify” when used with respect to a person means to provide the following information:

(a) the name, telephone number, and residential address of the person; and

(b) the name of the present employer, place of employment, business and job title of the person.

14. “Identify” when used with respect to an entity means to provide the following information:

(a) the name, telephone number and address of the entity; and

(b) the name of the entity’s owners, principals, officers, and/or partners.

15. “Identify” when used with respect to a document means to provide the following information:

(a) the nature of the document (e.g., letter, contract, memorandum, etc.);

(b) the date of the document;

(c) the preparer and/or source of the document and all recipients of the document;

(d) the substance in detail of the document; and

(e) each person who now has custody, possession or control of the document.

16. “Identify” when used with respect to a communication means to provide the following information:

(a) the date of the communication;

(b) whether the communication was oral or written;

(c) any person who sent, received, or had knowledge of the communication;

(d) the substance in detail of the communication; and

(e) any document embodying the communication.

INSTRUCTIONS

1. Each Admission Request shall be answered fully and in writing and, where required by the applicable rules, under oath.

2. If you claim a privilege as to any of the information requested to be identified and/or produced in the Admission Requests, specify the privilege claimed, the communication or other matter as to which such claim is made, the subject of the

communication or other matter and the basis upon which you assert the claim of privilege.

3. Unless otherwise specified, these Admission Requests seek information and documents prepared on or after August 6, 2005.

4. These Admission Requests shall be deemed to be continuing so as to require supplemental responses and/or production in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that on August 6, 2005 you were eating breakfast in the MSB Chow Hall (the "Chow Hall") of SCI.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Admit that on August 6, 2005, during breakfast in the Chow Hall, you asked a couple of inmates to move over in their seats so that you could sit down.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Admit that on August 6, 2005, during breakfast in the Chow Hall, you were given a direct order to stop talking or dump your tray.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Admit that on August 6, 2005 after you were given a direct order to stop talking or dump your tray you continued to talk.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Admit that on August 6, 2005, during breakfast in the Chow Hall, after you were given a direct order to stop talking you continued to talk and, as a result, were then ordered to dump your tray and lock in.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Admit that on August 6, 2005 after you dumped your tray during breakfast you walked toward Defendant Berezansky with fists clenched.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Admit that on August 6, 2005 after you dumped your tray during breakfast you told Defendant Berezansky to “shut his fucking mouth.”

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Admit that on August 6, 2005 you lunged at Defendant Berezansky after he told you to dump your tray and lock in.

RESPONSE:

REQUEST FOR ADMISSION NO. 9: Admit that you were sprayed with capstun only after you lunged at Defendant Berezansky.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Admit that on August 6, 2005 you were seen by a nurse and did not complain of injuries.

RESPONSE:

REQUEST FOR ADMISSION NO. 11: Admit that you were found guilty of disorderly or threatening behavior for your behavior during breakfast in the Chow Hall on August 6, 2005.

RESPONSE:

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Erika Y. Tross

Erika Y. Tross (#4506)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for Defendants Rick Kearney,
James Chandler, and Bradley
Berezansky

Dated: July 26, 2006

CERTIFICATE OF SERVICE

I, Erika Y. Tross, Esq., hereby certify that on July 26, 2006, I caused a true and correct copy of the attached *Defendants' Combined First Set Of Requests for Admissions Directed To Plaintiff* to be served on the following individual in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT:

Inmate Curtis M. Collins
SBI #00314128
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MANNER OF DELIVERY:

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Erika Y. Tross
Erika Y. Tross (#4506)
Deputy Attorney General
Delaware Department of Justice
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
302-577-8400